

REMARKS

In an Office Action mailed April 30, 2008 (“Office Action”), the Examiner rejected claims 30-37 under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter; rejected claims 30, 35, and 37 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,889,868 to Moskowitz et al. (“*Moskowitz*”); and rejected claims 31-34, 36, and 38-53 under 35 U.S.C. §103(a) as being unpatentable over *Moskowitz* in view of U.S. Patent No. 5,629,980 to Stefik et al. (“*Stefik*”).

In response, Applicants have amended claim 38 and canceled claims 30-37, 39, and 43-53 without prejudice or disclaimer. Accordingly, after entry of this Amendment, claims 38 and 40-42 will remain pending. In addition, Applicants do not necessarily agree with or acquiesce in the Examiner’s characterization of the claims or the cited references, even if those characterizations are not addressed herein.

Claim Rejections Under 35 U.S.C. §101

In the Office Action, the Examiner rejected claims 30-37 under 35 U.S.C. §101 as being drawn to non-statutory subject matter. Although Applicants respectfully disagree with the basis for the Examiner’s rejection, in the interest of expediting prosecution of this application, Applicants have canceled claims 30-37 without prejudice or disclaimer, and thus the rejection of these claims is now moot.

Claim Rejections Under 35 U.S.C. §102

Claims 30, 35, and 37 stand rejected under 35 U.S.C §102(e) as being anticipated by *Moskowitz*. Although Applicants respectfully disagree with the basis for this rejection, Applicants have canceled claims 30, 35, and 37 with this Amendment, thus rendering the rejection moot.

Claim Rejections Under 35 U.S.C. §103

Claims 31-34, 36, and 38-53 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Moskowitz* in view of *Stefik*. Although Applicants respectfully disagree with

the basis for these rejections, Applicants have canceled claims 31-34, 36, 39, and 43-53 with this Amendment, thus rendering the rejection of those claims moot.

With respect to claim 38, although Applicants respectfully disagree with the basis for the Examiner's rejection, in the interest of expediting allowance, Applicants have amended claim 38 to include, *inter alia*, the limitations of claim 39. Applicants respectfully submit that, as amended, claim 38 is even more clearly allowable over the cited references.

Claim 38, as amended, recites receiving an information signal at a first device that comprises steganographically encoded control information comprising (a) an indication of whether at least part of the content portion of the information signal may be copied, **and** (b) an indication of a number of times the content may be **rendered** by a given device. Claim 38 further recites the separate steps of using the control information to determine whether at least part of the information signal may be copied to a second device, and using the control information to determine whether the content may be rendered by the first device.

Applicants respectfully submit that neither *Moskowitz* nor *Stefik* recite these elements, and thus *Moskowitz* in view of *Stefik* does not render obvious claim 38. Claims 40-42 depend from claim 38, and are thus allowable for at least the same reasons as claim 38. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 38 and 40-42 under 35 U.S.C. §103.

Conclusions

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Dated: October 28, 2008

By: 

Aaron J. Capron
Reg. No. 56,170
650.849.6680